

## **ORDINANCE NO. 2214**

AN ORDINANCE REGULATING TRAFFIC UPON THE STREETS, ALLEYS AND HIGHWAYS OF THE CITY OF GARDNER, KANSAS; INCORPORATING BY REFERENCE THE "2006 STANDARD TRAFFIC ORDINANCE FOR KANSAS CITIES" AND ALL ACTS SUPPLEMENTARY AND AMENDATORY THERETO, PREPARED AND PUBLISHED IN BOOKLET FORM BY THE LEAGUE OF KANSAS MUNICIPALITIES; AMENDING ARTICLES 1 AND 2 OF CHAPTER 14 OF THE CODE OF THE CITY OF GARDNER, KANSAS 1990 EDITION, WITH CERTAIN DELETIONS, OMISSIONS, CHANGES AND ADDITIONS; PRESCRIBING ADDITIONAL REGULATIONS; AND REPEALING ORDINANCE NO. 2173, UNDER THE PROVISIONS OF K.S.A. 12-3009 THROUGH 12-3012 AND K.S.A. 12-3301 AND 12-3302.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS;

SECTION ONE: That certain standard code known as the "2006 Standard Traffic Ordinance for Kansas Cities", prepared and published by the League of Kansas Municipalities, 300 S. W. Eighth, Topeka, Kansas 66603, is hereby incorporated by reference herein and made a part of this Ordinance, including supplements and amendments thereto, save and except such portions as may hereinafter be deleted, added, or amended, as authorized and in the manner prescribed by the Statutes of the State of Kansas.

SECTION TWO: That Articles 1 and 2 of Chapter 14 of the Code of the City of Gardner, Kansas be amended and new Section 29.1 of Article 6 of said standard code be added, new Section 85.1 of Article 13 of said standard code be added, and Section 33(a) of Article 7 of said standard code be and the same are hereby amended to read as follows:

### **ARTICLE 1. Standard Traffic Ordinance**

14-101 STANDARD TRAFFIC ORDINANCE. The certain standard code known as the "2006 Standard Traffic Ordinance for Kansas Cities", prepared and published by the League of Kansas Municipalities, 300 S. W. Eighth, Topeka, Kansas 66603, is hereby incorporated by reference herein and made a part of this article, including supplements and amendments thereto, save and except such portions as are hereinafter be deleted, added, or amended by this article. (K.S.A. 12-3009 through 12-3012, K.S.A. 12-3301, K.S.A. 12-3302)

14-102 MARKED COPIES OF STANDARD CODE ON FILE. No fewer than three copies of the standard code shall be marked or stamped "Official Copy as Incorporated by Ordinance No. \_\_\_\_". All sections or portions of the filed copies of the standard code shall be clearly marked to show deletions from the standard code. Any additions shall be clearly described to show such addition to said standard code and a copy of the Ordinance shall be open to inspection and available to the public at all reasonable business hours. The Department of Public Safety, Municipal Court Judge and all administrative departments of the City charged with the enforcement of the Ordinance shall be supplied, at the cost of the City, such number of official copies of said standard code, similarly marked, deleted and changed, as may be deemed expedient.

### **ARTICLE 2. Local Traffic Regulations**

14-201 AMENDMENTS TO STANDARD TRAFFIC ORDINANCE. The Governing Body of the City of Gardner, Kansas, on the basis of an engineering and traffic investigation conducted by the Department of Public Safety of the City of Gardner, Kansas, and adopted by the Governing Body of the City of Gardner, Kansas, pursuant to its authority under K.S.A. 8-1338, K.S.A. 8-1560, K.S.A. 8-2002 and all acts supplemental and amendatory thereto hereby deems it advisable to add Section 29.1, add Section 29.2, add Section 85.1, and amend Section 33(a) of said standard code adopted in Section 14-101 to read as follows:

201.1 SECTION 23. ACCIDENT INVOLVING DEATH OR PERSONAL INJURIES;  
PENALTIES.

- (a) The driver of a vehicle involved in an accident resulting in injury to any person shall immediately stop such vehicle at the scene of such accident or as close thereto as possible, but shall then forthwith return to an in every event shall remain at the scene of the accident until the driver has fulfilled the requirements of Section 25 of this ordinance. Each such stop shall be made without obstructing traffic more than is necessary.

201.2 SECTION 27. DUTY TO REPORT ACCIDENTS

- (a) The driver of a vehicle involved in an accident resulting in injury to any person or total damage to all property to an apparent extent of \$1,000 or more shall give notice immediately of such accident by the quickest means of communication to the police department.

201.3 SECTION 29.1. CARELESS DRIVING

- (a) Any person who shall operate or halt any vehicle in such a manner as to indicate a careless or heedless disregard for the rights or the safety of others or in such manner as to endanger or to be likely to endanger any personal property, is guilty of careless driving.
- (b) This offense shall be considered a traffic infraction.

201.4 SECTION 33. MAXIMUM SPEED LIMITS

- (a) Except when a special hazard exists that requires lower speed for compliance with Section 32, the limits specified in this section or established as hereinafter authorized shall be the maximum lawful speeds, and no persons shall drive a vehicle at a speed in excess of such maximum limits.
  - 1. 25 miles per hour on any street or highway unless posted otherwise;
  - 2. 20 miles per hour in any park unless posted otherwise; and
  - 3. School zones shall have reduced limits as posted while school is in session.Whenever it is determined on the basis on an engineering and traffic investigation that any speed limit posted is greater or less than is reasonable or safe under the conditions found to exist, the Governing Body shall declare and determine a reasonable and safe speed limit and cause appropriate signs to be erected.

201.5 SECTION 85.1. PARKING IN CERTAIN DESIGNATED AREAS PROHIBITED.

- (a) No person shall park, stop, or operate a motor vehicle in or on any private or public parking area or lot that is posted with notice of prohibited parking signs posted as provided herein.
- (b) The provisions of this section shall not be applicable to any parking lot or area unless the following signage is clearly and properly posted at all entrances to said parking areas or lots, to-wit:

NOTICE

*Pursuant to City of Gardner Standard Traffic Ordinance Section 85.1, no parking, stopping, or operation of a motor vehicle is permitted in this parking area or lot during the hours of \_\_\_\_\_ to \_\_\_\_\_. Conviction of a violation of this section shall result in a minimum fine of \$100.00.*

- (c) The provisions of this section shall not apply to individuals conducting business or working on the premises of building served by the posted parking areas or lots.
- (d) Upon conviction of a first offense of this section, the defendant shall be fined not less than \$100.00 nor more than \$1,000.00. Upon conviction for a second offense, within any given twelve-month period, the defendant shall be fined not less than \$250.00 and not more than \$1,000.00. Upon conviction of a third offense of this section during any twenty-four month period, the defendant shall be fined not less than \$500.00 nor more than \$1,000.00. No portion of any minimum fine assessed pursuant to this section shall be suspended nor shall the defendant be placed on parole from any portion of the penalty assessed.

#### 201.6 SECTION 106. TRANSPORTATION OF ALCOHOLIC BEVERAGE

- (a) (4) Placed behind the last upright seat or in an area not normally occupied by the driver, or passenger, if a motor vehicle does not have a trunk.

14-202 INVALIDITY IN PART. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this Ordinance.

14-203 PENALTY FOR SCHEDULED FINES. The fine for violation of an ordinance traffic infraction or any other traffic offense for which the municipal judge establishes a fine in a fine schedule shall not be less than \$10.00 not more than \$2,500.00. A person tried and convicted for violation of an ordinance traffic infraction or other traffic offense for which a fine has been established in a schedule of fines shall pay a fine fixed by the court not to exceed \$2,500.00.

14-204 CONFLICTING ORDINANCES. Where this ordinance conflicts with any other state or federal ordinance, statute, or regulation, the most restrictive ordinance, statute, or regulation shall apply. All local ordinances, or parts of local ordinances, in conflict herewith be and the same are hereby repealed.

SECTION THREE: This ordinance shall take effect and be in force from and after its publication as provided by law.

PASSED and APPROVED this 16<sup>th</sup> day of October, 2006.

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Carol Lehman, Mayor

ATTEST:

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Susan Schultz, Interim City Clerk